

REMARKS

Claims 1 to 5, 7 to 9, 11 to 17 and 19 to 37 are under examination. For allowance, claims 38 to 50, which were previously withdrawn, have been canceled herein without prejudice.

Regarding the Amendments

The specification has been amended to include Figure 2 and a description of the figure. This figure and its description precisely corresponds to Figure 1 of U.S. Pat. No. 5,968,822 (the '822 patent) and that figure's description (found at column 7, lines 53-61 of the patent). The '822 patent is incorporated by reference in the subject specification at page 1, line 16.

In addition, the specification has been amended at page 23, line 21 to renumber the sequences. Moreover, a new sequence listing is provided herein to reflect these changes, as well as to add the sequences shown in Figure 2.

Independent claims 1, 7, 13, 21, 26 and 31 have been amended to recite that the heparanase comprises a) SEQ ID NO:1; b) SEQ ID NO:1 with a phenylalanine residue instead of a tyrosine residue at position 246; or c) a mature form of a) or b). The amendment is supported for example, by the '822 patent, which, as explained above, is incorporated by reference in the subject specification and is partially being literally incorporated herein. The amendment is also supported in the specification, for example, at page 15, lines 19-20, which discloses that invention encompasses mature heparanase.

Because the amendment to the specification and claims are fully supported, no issue of new matter arises.

Written Description Rejection

The only pending issue in this case is one of written description. Specifically, claims 1 to 5, 7 to 9, 11 to 17 and 19 to 37 are rejected under 35 U.S.C. sec 112, first paragraph. More specifically, the Action alleges that "the subgenus having 95% homology is not supported by the original specification." Applicants respectfully traverse the rejection.

Because the claims have been amended to no longer recite "95% homology," this issue is now rendered moot. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant respectfully points out that, but for the written description rejection, the Examiner was prepared to allow the claims directed to 95% homology to SEQ ID NO:1. The claims as currently amended are directed to SEQ ID NO:1, the same sequence with only one amino acid change or a mature form. Accordingly, expedited allowance of these claims is respectfully requested.

CONCLUSION

All of the issues raised in the Office Action have been addressed and are believed to have been overcome. Accordingly, it is respectfully submitted that all the claims under examination in the subject application are allowable. Therefore Applicants respectfully request a Notice of Allowance to this effect.

Respectfully submitted,



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Encl.

Request for Continued Examination
Request for One-month Extension of Time
Sequence Listing
Figure 2